

REMARKS

Applicants have amended claims 1-24 to more particularly point out the subject matter of their invention. In particular, claims 1-24 are now directed to an article instead of use of an article. Applicants have also corrected minor deficiencies in claims 1, 3, 5, 8, 9, 12-15, 18-20, 23, and 24. The corrections to claims 8 and 15 have necessitated additions of new claims 25 and 26, respectively. Finally, Applicants have amended the Specification to correct minor deficiencies. No new matter has been introduced by the amendments.

Upon entry of the amendments, claims 1-26 will be pending and under examination. Applicants respectfully request that the Examiner reconsider this application in view of the following remarks.

Rejection under 35 U.S.C. § 101

The Examiner rejects claims 1-24 for covering non-statutory subject matter. See the Office Action, page 3, item 6. More specifically, the Examiner contends that “the claimed ‘use’ in these claims does not define a process, and so the claimed subject matter is not patent eligible.”

Applicants have amended claims 1-24 so that they are now drawn to an article, which is statutory subject matter, and request that the Examiner withdraw the rejection and reconsider them as amended.

Rejection under 35 U.S.C. § 112, 2nd paragraph

The Examiner rejects claims 1-24 as indefinite on the ground that the claimed use is unclear. See the Office Action, page 3, items 9-10. As stated above, claims 1-24 are now directed to an article, rather than its use.

The Examiner further rejects claim 1 as indefinite on a second ground. More specifically, the Examiner asserts that “it is unclear what is meant by the phrase ‘exhibits a composite material in full or in parts.’” See the Office Action, item 11. Applicants have deleted the phrase “in full or in parts” recited in claim 1 to obviate this rejection.

The Examiner also rejects claims 8, 9, and 15 for indefiniteness. According to the Examiner, the meaning of the phrase “in particular” is unclear. See the Office Action, page 4, item 12. Applicants have removed the phrase and its related context from claims 8, 9, and 15.¹

In addition, the Examiner rejects claim 18 as indefinite on two grounds: (1) the phrase “claim 1 one of the preceding claims” is unclear, and (2) the phrase “the metal dispersion layer” does not have an antecedent basis. See the Office Action, page 4, items 13 and 14. Applicants would like to point out that the phrase referred to in (1) is a typographical error and has been deleted from claim 18. Applicants have also changed the dependency of claim 18 from claim 1 to claim 16, which provides an antecedent basis for the phrase described in (2).

Claims 12 and 20 are rejected as indefinite on the ground that the meaning of the recited term “selected from the group of” is unclear. See the Office Action, page 4, item 15. Applicants have replaced this term with “selected from the group consisting of” to obviate this rejection.

Finally, the Examiner rejects claims 21-23 as indefinite on the ground that the limitations recited in these claims are inconsistent with the requirement of claim 1. More specifically, he considers the composite material recited in claim 1 as “consisting of only non-metallic substrate and metallic layer.” See the Office Action, page 4, item 16. Applicants would like to bring to the Examiner’s attention that “consisting of” recited in the body of claim 1 is not a transitional phrase and thus should not be construed as limiting the composite material recited therein to only include a non-metallic substrate and metallic layer. In any event, Applicants have replaced the term “consisting of” with “includes.” The support for this replacement appears in the specification, at page 12, lines 4-5.

¹ This amendment has necessitated change of the dependency of claim 9 and addition of new claims 25 and 26.

Other issues

The Examiner sets forth guidelines to lay out a specification and suggests that Applicants follow them. See the Office Action, items 1 and 2, at page 2. Applicants have amended the specification accordingly. In particular, section headings have been added.

The Examiner also points out that the Brief Description of the Drawings was missing. Applicants have rectified this deficiency.

CONCLUSION

For the reasons set forth above, Applicants submit that the grounds for the rejections asserted by the Examiner have been overcome and claims 1-26, as pending, cover subject matter that is statutory and definite. Applicants request that all pending claims be allowed.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

The excess claims fee in the amount of \$104 and the Petition for Extension of Time fee in the amount of \$490 is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other

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Page : 10 of 10

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Respectfully submitted,

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